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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 Court No. 1:20-cv-03228-RMP

11 **SELAH ALLIANCE FOR  
12 EQUALITY,**

13 Plaintiff,

14 v.

15 **CITY OF SELAH, et. al,**

16 Defendants.

17 **NOTICE OF OBJECTION TO  
18 SETTLEMENT**

19 COMES NOW, the undersigned on his own behalf and on behalf of the descendants  
20 of Owhi and object to any presumption by the parties to this cause that they may simply agree  
21 to rename a park owned by the defendants to Chief Owhi Park or otherwise appropriate the  
22 name Owhi to their use absent approval of the descendants of Owhi and consultation with or  
23 concurrence of the Yakama Nation.

24 In support of this objection, the undersigned declares under penalty of perjury as  
25 follows:

26 1. I have personal knowledge of the following facts and am competent to testify  
thereto.

1           2. I am a descendant of Owhi, who was the brother in law of Kamiakin, he having been  
2 married to the sister of Kamiakin. There are many of us. Owhi was a signatory to the Yakama  
3 Treaty of 1855.

4           3. I was raised by my parents and grandparents on the Yakama Nation. They conveyed  
5 to me traditional teachings of the Yakama people. My grandmother lived to be 100 and was  
6 raised by her grandfather Eneas, who was born in 1834.

7           4. Among the People now known as Yakama, Tribal names are hereditary property.  
8 They are passed on to those chosen by the survivors of Ones Who Walked Before with that  
9 name. Only one person at a time may possess such a name. According to the laws passed  
10 down by the Creator it is sacrilegious to appropriate another's tribal name.  
11

12           6. Tribal names are property, the process for the bestowing of that name is of  
13 overwhelming importance. One who has no right to such a name has no authority to simply  
14 take it and bestow it upon another. That is the natural unwritten law of the Creator of the  
15 Yakama people which has been applied since Time Immemorial.  
16

17           If reference to the unwritten customary laws is not deemed satisfactory authority to  
18 the participants in this civil action, the matter was written down by anthropologist Helen H.  
19 Schuster in her landmark ethnography of the Yakama people. The bestowing of a tribal name  
20 is hosted by the family of the ancestor whose name is being bestowed during a ceremony  
21 honoring the name being brought back to life. It is customary to pass on the name only to  
22 persons that the family believes is worthy of bearing that name:  
23

24           There is symbolic recognition here that the deceased lives on in perpetuation of  
25 his name. As long as the name bearer is alive, no other person will be given that  
26 particular name.

1 See H.H. Schuster, *Yakama Indian Traditionalism; a Study in Continuity and Change* (1975),  
2 p. 447.<sup>1</sup> Notwithstanding their good intentions at remedying past injustices, the parties to this  
3 civil action are unwittingly, and unintentionally, joining the ranks of Cleveland, Atlanta and  
4 Kansas City by simply appropriating the name of Owhi without first familiarizing themselves  
5 with our tribal laws and seeking concurrence of those who possess the inherited right to  
6 determine who, and how, that person's name can be used. Colonialism often starts with those  
7 having good intentions.  
8

9       There has been a dramatic shift in the past year resulting in widespread disfavor of  
10 appropriation of tribal names and symbols by business entities. Witness the recent decisions of  
11 the Washington Football Team and the retirement of Chief Wahoo. In these turbulent times  
12 we must all do what we can to show that we care for and respect one another. The true way to  
13 honor my People is to follow the process under tribal customary protocols for being allowed to  
14 bear the name of an ancestor, not to simply presume that it can be applied to a person, place or  
15 thing willy-nilly and without permission of the inheritors of that name and without assurances  
16 that the entity upon whom they desire the name to be conferred will bear that name in a  
17 respectful, worthy and not unsavory fashion.  
18

19       The first step would be to determine who the heirs of Owhi are for the purpose of  
20 obtaining their consent to the use of his name proposed by the settlement parties. Then, they  
21 must learn, and follow, the ceremonial protocols for the name giving including the distribution  
22 of gifts and honoraria. Additionally, since this case is a legal proceeding, it must be borne in  
23

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24  
25       <sup>1</sup> An example of Yakama customary name bestowal can be found at  
26 [https://www.yakimaherald.com/news/local/traditional-yakama-name-giving-ceremony-especially-precious-during-pandemic/article\\_0e717bd0-67d1-5f2a-ae2f-358284e1eaab.html](https://www.yakimaherald.com/news/local/traditional-yakama-name-giving-ceremony-especially-precious-during-pandemic/article_0e717bd0-67d1-5f2a-ae2f-358284e1eaab.html)

1 mind that Owhi's name first appears in print in the 1855 treaty with the Yakama Nation—  
2 meaning that the Yakama Nation's consent must also be sought due to constraints of the  
3 Lanham Act, which preserved their rights once the name was first put in a recorded document.  
4  
5 There was a lack of tribal consultation before the settlement was made.

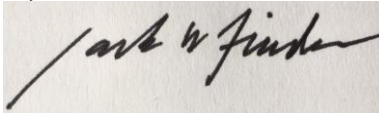
6 In Yakama culture, names are not mere generic items that anyone can claim as public  
7 domain, they are inchoate, or incorporeal, property having ownership and usufructuary rights.  
8 They may not be transferred like John Smith or Jane Doe. If the litigants truly want to respect  
9 the name of Owhi, they must first demonstrate respect for the customary and religious laws of  
10 the Yakama people and the descendants of Owhi.

11 Nye.

12  
13 DATED this \_4th\_ day of February, 2022.

14 Respectfully submitted,

15 S/Jack W. Fiander

16 A handwritten signature in black ink, appearing to read 'Jack W. Fiander', written over a light-colored rectangular background.

17  
18 \_\_\_\_\_  
19 Jack W. Fiander

20  
21 Certificate of Service

22 The undersigned certifies the foregoing was filed with the Clerk of Court with copies served  
23 upon all counsel of record.

24 S/Jack W. Fiander  
25  
26